

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

Notification

OSD/RRVS/41/66-B

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated 25th July, 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules amending the Goa Government, Education Department (non-gazetted, non-ministerial posts) Recruitment Rules, 1966 issued under Notification dated 23rd July, 1966 and published in Government Gazette Series I, No. 21 dated 25th August, 1966 read with Notification of even number dated 6th July, 1971 published in Official Gazette Series I, No. 16 dated 15th July, 1971.

1. Short Title and Commencement.—(i) These rules may be called the Goa Government, Education Department (non-gazetted, non-ministerial posts) Recruitment (Seventh Amendment) Rules, 1971.

(ii) They shall come into force at once.

2. In the Schedule attached to the said Notification against the post of Instructor (Handicrafts)/Handicrafts teacher appearing at serial No. 19 after the existing entry in column 7 add:

“Qualifications of S.S.C. or equivalent is relaxable at the discretion of the Departmental Recruitment Committee in cases of candidates who are well skilled in Drawing and Painting”.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. R. Sawant, Deputy Secretary (Appointments).

Panaji, 14th August, 1971.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

Notification

LA/A/7/2029/71

The following Act passed by the Legislative Assembly of Goa, Daman and Diu received the Assent of the President of India on the 2nd October, 1971 and is hereby published for general information.

The Goa, Daman and Diu Protection of Rights of Tenants (Cashewnut and Arecanut Gardens) Act, 1971

(Act No. 11 of 1971) [2nd October, 1971]

AN

ACT

to provide for the protection from eviction of tenants of cashewnut and arecanut gardens and for matters connected therewith.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-second Year of the Republic of India as follows:—

1. Short title, extent, commencement and duration.

—(1) This Act may be called the Goa, Daman and Diu Protection of Rights of Tenants (Cashewnut and Arecanut Gardens) Act, 1971.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force at once.

(4) It shall remain in force for a period of two years.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “appointed day” means the 11th July, 1969;

(b) “landlord” means a person from whom a tenant holds an arecanut or cashewnut garden on lease on the appointed day;

(c) “Mamlatdar” has the meaning assigned to it in clause (c) of section 2 of the Goa, Daman and Diu Mamlatdar’s Court Act, 1966; (9 of 1966);

(d) “tenant” means a person who, on the appointed day, holds an arecanut or cashewnut garden on lease:

Provided that, if any such garden is held by a person on sub-lease, such person, and not the lessee, shall be deemed to be the tenant for the purposes of this Act.

(e) “garden” means a land where arecanut or cashewnut trees are grown;

(f) “rent” means any consideration in money or kind or both, paid or payable by the tenant on account of his right to tend the garden and collect the fruits thereof.

3. Grounds of eviction and restoration of possession.

—(1) Notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract or a decree or order of

any Court, a tenant shall not be liable to eviction save as provided in sub-section (2).

(2) A landlord may apply in writing to the Mamlatdar for the eviction of his tenant on the ground of causing damage to the garden on lease or for non-payment of rent within sixty days from the date on which the rent is due under the terms of the tenancy:

Provided that no order of eviction on the ground of non-payment of rent shall be made if the tenant deposits with the Mamlatdar at any stage of the proceedings for eviction, the rent due, or if the rent is payable in kind, its market value on the date of deposit, together with cost of the application and other cost, if any, to be determined by the Mamlatdar.

(3) Any tenant who has been evicted from the garden on lease at any time on or after the appointed day, may, within six months of the commencement of this Act, or of the date of his eviction, whichever is later, on grounds other than the ones mentioned in sub-section (2), make an application in writing to the Mamlatdar for restoration of possession:

Provided that, in case of gardens leased on or after the appointed day but before the 28th February, 1971, the restoration of possession shall take place on the 1st March, 1972.

(4) The Mamlatdar shall, on receipt of an application under sub-section (2) or sub-section (3) make such inquiries as he may consider necessary in respect of such application and make an order disposing of the same.

(5) No order of disposal shall be made by the Mamlatdar under sub-section (2) or (4) unless the party against whom the order is proposed to be passed has been given an opportunity of being heard in the matter.

4. Mamlatdar to decide whether a person is a tenant. — (1) If in any proceedings before a Civil Court, a question arises as to whether a person is or is not a tenant within the meaning of this Act, such Court shall refer the said question to the Mamlatdar for his decision.

(2) Every decision or order made by the Mamlatdar under sub-section (1) or under sub-section (4) of section 3 shall be subject to the revision of the Collector under sub-section (2) of section 22 of the Goa, Daman and Diu Mamlatdar's Court Act, 1966, (9 of 1966) as if such a decision or order had been made in a suit or proceeding under that Act, subject to the condition that revision application under this Act shall be filed within thirty days from the date of the decision or order as aforesaid.

(3) Every decision or order made by the Mamlatdar under this Act shall, subject to any orders that may be passed by the Collector under sub-section (2), be final.

(4) Every order made by the Mamlatdar under this Act shall be executed as if it had been made under the Goa, Daman and Diu Mamlatdar's Court Act, 1966 (9 of 1966).

5. Bar of jurisdiction. — No Civil Court shall have jurisdiction to entertain, decide or deal with any question which is to be decided by the Mamlatdar under this Act.

6. Bar on appearance by Pleadors. — Notwithstanding anything contained in this Act or any law for the time being in force, no pleader shall be entitled to appear on behalf of any party in any proceedings under this Act before the Mamlatdar or the Collector:

Provided that the Mamlatdar or the Collector may, in the interest of justice and for reasons to be recorded in writing, allow the parties to be represented at their own cost by a pleader:

Provided further that if any officer of Government is appointed or declared by a competent Court or is authorized under any law for the time being in force as a guardian, administrator or manager of the property of a person who is under a legal disability or is incompetent or unable to manage or to act, such officer shall be entitled to appear through a representative authorized by him in writing in this behalf in any proceedings before the Mamlatdar or the Collector.

Explanation. — For the purpose of this section the expression "pleader" includes an advocate, Vakil or any other legal practitioner.

7. Limitation. — In computing the period of limitation prescribed under any law for the institution of suits or proceedings, prohibited under section 3, the period during which such suits or proceedings remain prohibited under this Act shall be excluded.

8. Court-fees. — Every application made to Mamlatdar under this Act shall bear Court-fee Stamps of fifty paise and every memorandum of an appeal or an application under this Act made to the Collector shall bear Court-fee Stamps of two rupees.

9. Power to make rules. — (1) The Government may, by notification in the Official Gazette, make rules generally to carry out the purpose of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly of Goa, Daman and Diu while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Assembly agrees in making any modification in any such rule or the Assembly agrees that the rule should not be made, the rule shall thereafter have effect, only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Secretariat,

Panaji,

12th October, 1971.

O. P. GARG

Secretary to the Legislative

Assembly of Goa, Daman and Diu.

Notification

LA/A/71/2049/71

The following Act passed by the Legislative Assembly of Goa, Daman and Diu received the Assent of the President of India on the 2nd October, 1971 and is hereby published for general information.

The Goa, Daman and Diu (Protection from Eviction of Mundcars, Agricultural Labourers and Village Artisans) Act, 1971

(Act No. 12 of 1971) [2nd October, 1971]

AN
ACT

to provide for the protection from eviction of mundcars, agricultural labourers and village artisans from dwelling houses occupied by them and for matters connected therewith.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-second Year of the Republic of India as follows:—

1. Short title, extent, commencement and duration.—(1) This Act may be called the Goa, Daman and Diu (Protection from Eviction of Mundcars, Agricultural Labourers and Village Artisans) Act, 1971.

(2) It extends to the whole of the District of Goa of the Union territory of Goa, Daman and Diu.

(3) It shall come into force at once.

(4) It shall remain in force for a period of two years and upon the expiry of this Act, the provisions of section 6 of the General Clauses Act, 1897, (Central Act 10 of 1897) as made applicable to the Union territory of Goa, Daman and Diu by section 2 of the Goa, Daman and Diu General Clauses Act, 1965, (7 of 1965) shall apply as if this Act had then been repealed by an Act of the Legislative Assembly of Goa, Daman and Diu.

2. Definitions.—In this Act, unless the context otherwise requires—

(a) “agricultural labourer” means a person whose principal means of livelihood is the income he gets as wages in connection with the agricultural operations he performs and who has neither a homestead nor any land, either as owner or as tenant in possession, on which he could erect a homestead;

(b) “appointed day” means the 4th February, 1971;

(c) “dwelling house” means—

(1) in relation to a mundcar, the fixed habitation in a property in which he resides;

(2) in relation to an agricultural labourer or a village artisan—

(i) a homestead erected by him on land forming part of a property with the permission of the person in lawful possession of such land, with or without any obligation to pay rent; or

(ii) a hut situated on such land and which is being occupied by him with the permission of the person in lawful possession of the land, with or without obligation to pay rent,

and includes such other areas adjacent to the dwelling house as may be necessary for the convenient enjoyment of such dwelling house;

Explanation.—For the purposes of this clause, “hut” means any structure constructed for the purposes of dwelling, at a cost not exceeding four hundred rupees or could have, at the time of construction, yielded a monthly rent not exceeding four rupees.

(d) “Mamlatdar” has the meaning assigned to it in clause (c) of section 2 of the Goa, Daman and Diu Mamlatdar’s Court Act, 1966; (9 of 1966);

(e) “mundcar” has the meaning assigned to it in the Legislative Diploma No. 1952, dated the 26th November, 1959;

(f) “village artisan” means a person whose principal means of livelihood is the income he derives from working as an artisan in a village and who has neither a homestead nor any land, either as owner or as tenant in possession, on which he could erect a homestead.

3. Bar on eviction of mundcars, agricultural labourers and village artisans and stay of eviction proceedings.—Notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract or a decree or order of any court or other authority, so long as this Act is in force—

(a) no mundcar, agricultural labourer or village artisan shall be evicted from his dwelling house by any person on any ground whatsoever;

(b) no suit or proceedings in execution of decrees or orders or other proceedings for eviction of a mundcar, an agricultural labourer or a village artisan from his dwelling house shall lie in any court and all suits, proceedings in execution of decrees or orders and other proceedings pending in a court at the commencement of this Act for eviction of a mundcar, an agricultural labourer or a village artisan from his dwelling house shall be stayed.

4. Protection of certain rights of mundcars, agricultural labourers and village artisans.—Every mundcar, agricultural labourer or village artisan who was enjoying any customary easement or other rights in respect of his dwelling house immediately before the appointed day shall be entitled to continue to enjoy such rights and no suit or other proceedings for the curtailment or for the non-enjoyment, of such rights shall lie in any court and any suit or other proceedings for such curtailment or non-enjoyment pending in any court at the commencement of this Act shall be stayed.

5. Mundcar to have right to repair, maintain and improve his dwelling house and amenities thereto.—Notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract or a decree or order of any Court or other authority, every mundcar, agricultural labourer and village artisan shall have the right to maintain, repair, improve or reconstruct, without exceeding the plinth area, his dwelling house and also to obtain the benefit of supply of water and electricity, without the consent of the person in lawful possession of the property in which the mundcar, the agricultural labourer or the village artisan, as the case may be, resides.

6. Limitation. — In computing the period of limitation prescribed under any law for the institution of suits or proceedings prohibited or stayed under section 3 or section 4, the time during which such suits and proceedings are prohibited or stayed shall be excluded.

7. Punishment for disturbance of customary, easement and other rights of mundcars, agricultural labourers and village artisans. — (1) Any person who, in contravention of section 3 or section 4, evicts or causes the eviction of a mundcar, an agricultural labourer or a village artisan from his dwelling house or in any manner disturbs or interferes with the customary, easement or other rights which a mundcar, an agricultural labourer or a village artisan is entitled to enjoy in respect of his dwelling house shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

(2) Any person who attempts to contravene or abets the contravention of the provisions of sub-section (1) shall be deemed to have contravened that sub-section.

8. Restoration of possession. — (1) Any mundcar, agricultural labourer or village artisan who has been evicted from his dwelling house at any time on or after the appointed day may, within six months of the commencement of this Act, or of the date of his eviction, whichever is later, make an application in writing to the Mamlatdar for restoration of possession of the dwelling house.

(2) Every application made under sub-section (1) shall contain the following particulars, namely: —

- (a) Name of the applicant;
- (b) Name of the proprietor of the property;
- (c) Residential addresses of the applicant and of the proprietor of the property;
- (d) Location of the dwelling house;
- (e) Whether evicted in execution of orders of a court or otherwise;
- (f) Date of eviction; and
- (g) Particulars as to when the dwelling house was erected, constructed or occupied by the applicant.

(3) The Mamlatdar shall, on receipt of an application under sub-section (1), make or cause to be made such inquiries as he may consider necessary in respect of such application, and, if he is satisfied that the applicant is entitled to restoration of his dwelling house, may, by order, direct such restoration.

(4) No order under sub-section (3) shall be passed by the Mamlatdar unless the person against whom the order is proposed to be passed has been given an opportunity of being heard in the matter.

9. Permission deemed to be granted in certain cases to a mundcar, an agricultural labourer or a village artisan. — A mundcar, an agricultural labourer or a village artisan shall be deemed to reside in a dwelling house with the permission of the person in lawful possession of a property if such mundcar, agricultural labourer or village artisan was continuously residing therein for more than six months immediately before the appointed day.

10. Mamlatdar to decide whether or not a person is a mundcar, an agricultural labourer or a village artisan. — (1) Notwithstanding anything contained in any law for the time being in force if any dispute arises as to whether a person is a mundcar, an agricultural labourer or a village artisan within the meaning of this Act, such dispute shall be decided by the Mamlatdar.

(2) Where in any proceedings before the Mamlatdar a plea is raised by a person in lawful possession of a property that the person claiming to reside in the dwelling house is not a mundcar, an agricultural labourer or a village artisan within the meaning of this Act, the burden of proving such plea shall be on such person in lawful possession.

11. Revision. — (1) Every order or decision of the Mamlatdar under sub-section (3) of section 8 or under sub-section (1) of section 10 shall be subject to revision in accordance with the provisions of sub-sections (2) to (4) of section 22 of the Goa, Daman and Diu Mamlatdar's Court Act, 1966 (9 of 1966) as if such order or decision had been made in a suit or proceeding under that Act, subject to the modification that the reference to sixty days in the proviso to sub-section (2) of the said section 22 shall be construed as a reference to thirty days.

(2) Every order or decision made by the Mamlatdar under this Act shall, subject to any orders that may be passed under sub-section (1) in revision, be final.

(3) Every order made by the Mamlatdar under this Act shall be executed as if it had been made under the Goa, Daman and Diu Mamlatdar's Court Act, 1966 (9 of 1966).

12. Court-fees. — Every application made to Mamlatdar under this Act shall bear Court-fee Stamps of fifty paise and every memorandum of an appeal or an application under this Act made to the Collector shall bear Court-fee Stamps of two rupees.

13. Bar of Jurisdiction. — No Civil Court shall have jurisdiction to entertain, decide or deal with any question which is required to be decided by the Mamlatdar under this Act.

14. Power to make rules. — (1) The Government may, by notification in the Official Gazette, make rules generally to carry out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly of Goa, Daman and Diu while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Assembly agrees in making any modification in any such rule or the Assembly agrees that the rules should not be made, the rule shall thereafter have effect, only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Secretariat,

Panaji,

O. P. GARG

Secretary to the Legislative
12th October, 1971. Assembly of Goa, Daman and Diu.

Local Self Government Department

Notification

3-106-71-LSG

In exercise of the powers conferred by proviso of sub-section (3) of section 307 of the Goa, Daman and Diu Municipalities Act, 1968 (No. 7 of 1969), the Director of Municipal Administration hereby publishes the following Bye-laws for the information of the Panjim Municipal Council, the same which have been adopted by the Panjim Municipal Council in its meeting held on 17-8-1971.

Short title. — These Bye-laws may be called the Sale of articles in Public Street Bye-laws, 1971.

Bye-law 1. — No person shall hawk or sell or expose for sale in the Municipal Area any article in any public street or public place unless he obtains a licence from the Chief Officer in the Form annexed hereto. He shall observe the conditions of the licence.

Bye-law 2. — (i) The licence shall be effective for a period of one year, 6 months, 3 months or one month and the payment of licence fee shall be charged as per the period of the validity fixed and according to the rules given in Bye-law 2(ii) below. The licence can be renewed on expiry of the period of validity for a period of one year, 6 months, 3 months and one month on payment of licence fees at the rate as given in Bye-law 2(ii).

(ii) The licence fee for the hawkers shall be Rs. 2/- per month and the licence fee for hand-carts shall be Rs. 60/- per year or Rs. 5/- per month.

(iii) The aforesaid licence fees are exclusive of any other charges which the hawkers or the hand-carts keeper are required to pay.

Without prejudice to the generality of the provision made in the above said Bye-law 2(iii) the vendors occupying the space near the Ferry Wharf and River Navigation Department will have to pay paise 0.25 per sq. metre as 'sopo' in addition to the aforesaid licence fees. The 'sopo' in the new shed in the Municipal market will be Re. 1/- per day per stall.

(iv) The Municipal Council may revise the aforesaid rate of licence fee at a period of every 3 years. Such revision made will be subject to the approval of the Director of Municipal Administration.

Bye-law 3. — The conditions subject to which such a licence may be granted shall be as follows in the case of a licence for a squatter or a hawker keeping a stationary hand-cart or a mobile hand-cart: —

(a) The licensee shall not cause any nuisance or obstruction to traffic on any street or footpath.

(b) He shall not expose for sale any article not included in the licence.

(c) The licensee shall not ring any bell or use any mechanical or other contrivance to direct the attention of the customers.

(d) The licensee shall observe the utmost cleanliness in selling his articles.

(e) The Municipal Health Officer/Health Officer or subordinate duly authorised by him in his behalf shall have the power to destroy any article exposed or offered for sale which, in his opinion, are unwholesome.

(f) The licence shall be effective only for the calendar month in which it is issued and not for the one month from the date of issue.

(g) The licence is not transferable.

(h) The licence is liable to be revoked if the licensee or any servant accompanying is found to be suffering from any dangerous or infectious diseases.

(i) The licence shall always be carried by the licensee and produced on demand, for the inspection of the Municipal Health Officer/Health Officer/Chief Officer or any subordinate duly authorised by him.

(j) The Chief Officer may at any time revoke or cancel if in his opinion, the licensee has infringed any of the conditions of the licence and in such a case, the licensee shall not be entitled to claim any refund or fees or any damages whatsoever.

(k) The licence fees shall be paid in advance.

Special conditions for the licence of a squatter or a hawker keeping a stationary hand-cart

(l) The licence shall be valid for the area to be allotted by the licensee and entered in the licence.

(m) The licensee shall not squat or expose articles for sale except in the space allotted to him, and entered in the licence.

(n) The licensee shall vacate the area entered in the licence within 48 hours if it is required for repair, reconstruction or other municipal purpose. The licensee will, if possible, be accommodated elsewhere but it will not be incumbent on the Chief Officer to do so and the fee already paid will not be refunded.

(o) The licensee shall give every facility to municipal employee to clean the area allotted to him.

(p) The licensee shall not erect any structure in order to protect any roof over the area allotted to him provided, further that he may use a movable platform as shown in the annexed drawing.

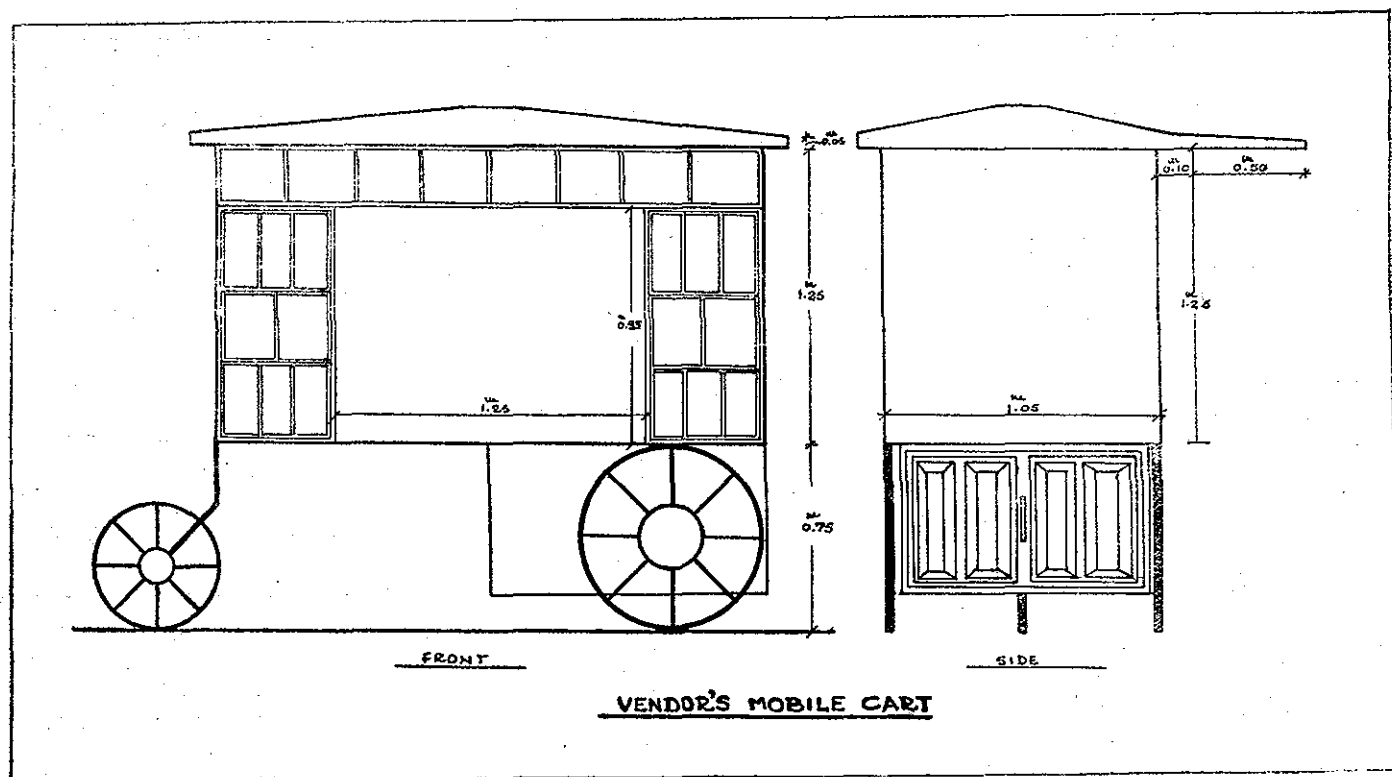
(q) If after issue of the licence the area occupied by the licensee in any month is found to have been exceeded, an additional fee will be payable according to the additional area occupied by him.

Special additional conditions for a hawker keeping a mobile hand-cart

(r) The licensee shall keep his hand-cart reasonably on move and shall not cause any nuisance or obstruction to the public traffic either on street or footpath.

P. S. Bhatnagar, Director of Municipal Administration.

Panaji, 4th October, 1971.



Labour and Information Department

Mormugao Port Trust

Notification

MPT/IGA(E.344)/71

As required under Section 124(2) of the Major Port Trusts Act, 1963 the amendments to the Mormugao Port Employees' (Leave) Regulations, 1964 adopted by the Board are hereby published:—

- I. Substitute the following for the sub-clause (1) of clause (iii) of Regulation 13(b).
“(1) Pulmonary tuberculosis or pleurisy of tubercular origin, in a recognised sanatorium or”
- II. Insert the words “or pleurisy of tubercular origin” after the words “suffering from pulmonary tuberculosis”, in explanation (1) under Regulation 13.
- III. Insert the following as clause (iii-a) below clause (iii) of Regulation 13.
“(iii-a) Twelve months where the employee is undergoing treatment for Cancer, or for mental illness, in an institution recognised for the treatment of such disease at a civil surgeon or a specialist in such disease.

Note: This concession will be admissible only to those employees who have been in continuous Board's service for a period of one year.”

By order,

Shivakumar Dhindaw

Secretary

Mormugao, 30th August, 1971.

(2nd time)

Notification

MPT/IGA(E.986)/71

As required under Section 124(2) of the Major Port Trusts Act, 1963 the amendments to the Mormugao Port Employees' (Contributory Provident Fund Special Contribution) Regulations, 1966 adopted by the Board are hereby published:—

- I. “Introduce the following as item No. (ix) below Regulation 3:—
“(ix) “Appropriate sanctioning authority” means, the Chairman in the case of Class I and II employees and the Head of the Department, in the case of Class III and IV employees”.
- II. Substitute the words “appropriate sanctioning authority” for the words “Board or, in the case of Class III or Class IV employee, the Chairman” appearing in the first para of the Regulation 4(3).
- III. Substitute the words “appropriate sanctioning authority” for the word “Chairman” appearing in Note (2) below Regulation 4(3).
- IV. Substitute the words “appropriate sanctioning authority” for the word “Chairman” wherever it appears in Regulation 5(1) (ii) and 5(3).
- V. Substitute the words “appropriate sanctioning authority” for the words “Board or, in the case of a Class III or Class IV employee by the Chairman” appearing in Regulation 5(2)”.

By order,

Shivakumar Dhindaw

Secretary

Mormugao, 30th August, 1971.

(2nd time)

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